



**Special Education Advisory Committee
Policies, Practices, and Procedures Subcommittee**

**(Proposed) Policy 5345: Restraint and Seclusion of Students
Review, Findings and Recommendations Report**

Prepared For:
Special Education Advisory Committee Membership
Loudoun County School Board

December 9, 2018

Executive Summary

SEAC has reviewed the proposed Policy 5345, Restraint and Seclusion of Students, and determined that it does not meet the needs of Special Education students.

Summary of SEAC recommendations:

Recommendation 1: Amend the Restraint and Seclusion of Students Policy to prohibit the use of seclusion in Loudoun County Public Schools.

Disposition: Approved (13 Approve; 2 Oppose; 1 Abstain; 1 Absent)

Recommendation 2: Amend the Restraint and Seclusion of Students Policy to prohibit physical restraint or seclusion from being written into a student with disabilities Individual Education Plan (“IEP”), Individual Crisis Plan, or Behavioral Intervention Plan (“BIP”) as a planned intervention.

Disposition: Approved (14 Approve; 1 Oppose; 1 Abstain; 1 Absent)

Recommendation 3: Amend the Restraint and Seclusion of Students Policy to require written parent/guardian notification within 24 hours of any incidents and personally communicate with the parent/guardian the day of any incident.

Disposition: Approved (15 Approve; 1 Abstain; 1 Absent)

Recommendation 4: Amend Restraint and Seclusion of Students Policy to require each incident involving students with disabilities be reported to the Director of Special Education and a review committee be assigned to address each incident and develop a corrective action plan to prevent further incidents.

Disposition: Approved (13 Approve; 3 Abstain; 1 Absent)

Recommendation 5: SEAC advises the Loudoun County School Board to take all steps necessary to reduce the uses of restraint (as defined by the policy) to zero.

Disposition: Approved (16 Approve; 1 Absent)

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Introduction

The Regulations Governing Special Education Programs for Children with Disabilities in Virginia reflect the state and federal requirements for the provision of special education and related services.

The regulations outline the functions of the SEAC, as specified by Section 8VAC20-81-230 (D)(2), and are as follows:

1. Advise the local school division of needs in the education of students with disabilities;
2. Participate in the development of priorities and strategies for meeting the identified needs of students with disabilities;
3. Submit periodic reports and recommendations regarding the education of students with disabilities to the division superintendent for transmission to the local school board;
4. Assist the local school division in interpreting plans to the community for meeting the special needs of students with disabilities for educational services;
5. Review the policies and procedures for the provision of special education and related services prior to submission to the local school board; and
6. Participate in the review of the local school division's annual plan.

This report satisfies requirements 1, 2, and 5 above as set forth by the Individuals with Disabilities Education Act (IDEA) and the Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

One of SEAC's mandated roles per the Regulations Governing Special Education Programs for Children with Disabilities in Virginia (#5) is to "*review the policies and procedures for the provision of special education and related services prior to submission to the local school board.*" Accordingly, SEAC created a subcommittee to address Policies, Practices and Procedures to review and provide advice to local school division on how policies, practices and procedures meet the needs in the education of students with disabilities.

In accordance with SEAC mandated role, the Policies, Practices and Procedures subcommittee has completed a comprehensive review of the Restraint and Seclusion Policy 5345 proposed by LCPS. The subcommittee evaluated the policy and set forth several recommendations keeping in mind SEAC's mandated role to advise the school division of the needs in the education of students with disabilities

and participate in the development of priorities and strategies for meeting the identified needs of students with disabilities.

This report includes findings and recommendations to the Loudoun County School Board. This report will include information on the SEAC Sub-Committee charge, membership, the process used to conduct business, and recommendations. The recommendations were developed as a result of a collaborative process that included input from the SEAC membership and were voted on by the full committee.

Background

The Policies, Practices and Procedures subcommittee was established by the SEAC executive committee and voted on by the membership in October of 2018 as part of the recommendations included in SEAC's 2017-2018 Annual Report.

As part of the Annual report, The Policies, Practices and Procedures subcommittee ("SEAC Subcommittee") was tasked with:

Recommendation 1A: Establish and use a workflow to introduce and provide SEAC with special education policies, practices, and procedures that are new, require periodic review, or revised to enable SEAC to complete a thorough review in a reasonable timeframe (given that SEAC meets monthly) and provide input prior to submission to the school board.

Recommendation 1B: Restraint and Seclusion – Engage in a comprehensive review of restraint and seclusion policies and practices within LCPS, incident data (that includes antecedents, tracking the duration of restraint and/or seclusion, recovery time, and reintegration into the classroom or school setting after each episode for each student), to determine any trends regarding elevated use in particular schools, by particular staff teams, within particular programs, and other data points that can illuminate prevalence (all with identifying information for students and staff concealed).

i. Provide regular reports to SEAC (that conceal identifying information) regarding restraint and seclusion incidences to allow SEAC to monitor the issue and develop further recommendations throughout the year. ¹

Immediately upon its formation, the subcommittee took on the task to review the proposed Policy 5345, Restraint and Seclusion of Students.

At the October 3, 2018 SEAC Business meeting, Dr. Asia Jones, Assistant Superintendent for Pupil Services, asked the SEAC members to review a draft of the new policy and regulations on restraint and seclusion, and to send her their feedback within approximately two weeks. Given that SEAC meets only once per month, SEAC requested for more time to review the current draft of the policy. Dr. Jones agreed and SEAC was provided more time to review the issue.

On November 6, a SEAC working group met to review and discuss those issues. The meeting was well attended and reached a consensus position to propose to the SEAC membership.

On November 7, the proposal was presented at the monthly SEAC business meeting. It was discovered that not all SEAC members were receiving email announcements, and, therefore, some SEAC members were concerned that they were not given the opportunity to participate in the working group meeting. Several

¹ 2017-2018 SEAC Annual Report

members expressed concerns with the proposed position, and it became clear that members would benefit from more information and more time to discuss and consider our position.

On November 8, Ad Hoc committee members were provided with a rewritten draft of the Restraint and Seclusion policy. Although several of the members on the Ad Hoc committee are also members of SEAC, the rewritten policy was not provided to the SEAC committee through a formal channel or flagged for SEAC as being substantially different from the prior version. The rewritten policy was provided as information to share, and SEAC was not asked to formally review or provide input into the new and substantially different policy. Important to note is that the SEAC meets one time per month, which is more than the required 6 meetings per school year. Therefore, policy items that the full SEAC needs and wishes to review should be provided to SEAC in a time frame that aligns with SEAC's agenda planning and published meeting dates.

On November 27, the Ad Hoc committee's report and recommendations were presented to the School Board, including the rewritten policy on restraint and seclusion. Mr. Marshall asked if SEAC had the opportunity to review the policy and was told that SEAC had.

On November 29, there was a second SEAC working group meeting to review and discuss the proposed policy. The working group members considered the issues as well as the rewritten policy. Once again, the meeting was well attended and reached a consensus position to propose to the SEAC membership. The subcommittee chairs made a deliberate effort to seek out and invite SEAC members who had not attended the previous working group meeting in order to ensure that all SEAC members had an opportunity to participate in the discussion and all perspectives were considered.

On December 5, the proposal was presented at the full SEAC committee meeting. All of the subcommittee's position proposals were accepted by the full committee.

Restraint and Seclusion has been a topic of discussion for the past year in Loudoun County, sparked by the article published in the Loudoun Times Mirror on February 15, 2018, [The Isolation Room: Local parents share horror stories about school system's treatment of students with special needs](#).² This article described the stories of three students who were subjected to seclusion or seclusion-like practices. In each story, there is no indication of crisis-level behavior, and in each story, the student was withdrawn from the school. This and subsequent articles resulted in significant public concern about these practices.

LCPS responded to these articles with several actions. During the spring of 2018, SEAC sponsored a series of information sessions on restraint and seclusion. At these sessions, the LCPS administration presented their guidelines and training and why they believed that restraint and seclusion were appropriate. The Loudoun

² Chantalle Edmunds, [The Isolation Room: Local parents share horror stories about school system's treatment of students with special needs, February 15th, 2018](#)

County School Board also responded with the creation of The Ad Hoc Committee on Special Education (Committee) to address this and other concerns expressed by the Loudoun community in regards with Special Education. SEAC members and the community have been very active in the research and self education of Restraint and Seclusion practices as well as the impact to students with disabilities.

The subcommittee reviewed many sources, including peer-reviewed research. This review raised grave concerns about these practices. There is evidence that these practices escalate violent behavior and do significant harm to both students and staff, especially to students with special needs. Restraint and seclusion are not evidence-based practices and are refuted, not supported, by peer reviewed research.

The U.S. Senate's Health, Education, Labor and Pensions committee studied these issues and concluded with the recommendation of, "Eliminating the use of seclusion and restraints, which have been shown to have no educational benefit, as an educational or therapeutic component of a student's individualized education plan (IEP)." ³

The U.S. Department of Health and Human Services concluded that, "Seclusion and restraint are coercive, high-risk containment procedures that contribute to the problem of violence against consumers and staff members". In their white paper by Janice LeBel, Ed.D: *"The Business Case for Preventing and Reducing Restraint and Seclusion Use"*, they describe the costs of the use of seclusion and restraint, which include system, organizational, personal costs and the costs to consumers (in this case, students and ultimately taxpayers).⁴

Publications, studies and lectures have concluded that eliminating restraint and seclusion improves safety and outcomes. For example, the creators of one alternative system said, "Our system shows that you can eliminate the use of restraint and seclusion without compromising safety, as long as caregivers are properly trained," Sanders said. "Ultimately, it is about receiving, engaging, sensing, feeling and responding to what someone is trying to communicate to us through their actions while maintaining the safety of all those involved."⁵

The journey to rethink discipline and the disparity of the application of exclusionary discipline practices is not new. Since the 2011 **Rethinking Discipline** initiative, the federal government has created several programs intended to address disparities in the use of exclusionary discipline practices that have been implemented across the nation. One of these initiatives is Positive Behavioral Interventions and Supports

³ Tom Harkin, United States Senate: Majority Committee Staff Report: *Dangerous Use of Seclusion and Restraints in Schools Remains Widespread and Difficult to Remedy: A Review of Ten Cases, February 12, 2014.*

⁴US Department of Health and Human Services, *Promoting Alternatives to the Use of Seclusion and Restraint Issue Brief #4, March 2010 issue.*

⁵Michelle Diamant, *Abandoning Restraint And Seclusion Has Unexpected Benefits, Study Finds, October 3, 2018*

("PBIS"). The U.S. Department of Education's PBIS web site specifically warns that, "Seclusion and restraint refer to safety procedures in which a student is isolated from others (seclusion) or physically held (restraint) in response to serious problem behavior that places the student or others at risk of injury or harm. Concern exists that these procedures are prone to misapplication and abuse placing students at equal or more risk than their problem behavior."⁶

Restraint and Seclusion is not just a local and National concern; it is a worldwide concern. The United Nations states that, "Seclusion and restraint have been described as a violation by the United Nations Committee on the Rights of the Child."⁷

The subcommittee identified several state and federal efforts to regulate or restrict the use of seclusion. The Keeping All Students Safe Act, introduced as House Bill 6122, prohibits the use of seclusion and significantly curtails the use of restraints in schools that receive federal funds.⁸ The subcommittee also found that effective regulation of restraint and seclusion has proven to be challenging.⁹

Restraint and Seclusion is used disproportionally with students with disabilities. According to 2015 OCR data, LCPS reported 13 cases of seclusion and restraint. All were students with disabilities. The subcommittee has reason to believe that those numbers under-represent the reality in LCPS due to differences in definitions and their interpretations. The subcommittee is concerned that the current restraint and seclusion guidelines have a disparate impact on disabled students and that the policy does not address this discrimination.

The subcommittee recommendations attempt to address the needs and concerns of the Special Education community and our findings through proposals that we believe can be quickly and practically implemented in LCPS.

⁶ Robert Horner and George Sugai, *Considerations for Seclusion and Restraint Use in School-wide Positive Behavior Support*. April 29, 2009.

⁷ Marie Sharp, *Seclusion to be banned in East Lothian schools*. November 28, 2018.

⁸ Hannah Rappleye and Liz Brown, *Thirteen-year-old activist with autism wants to close seclusion rooms at schools*. November 23th, 2018

⁹ Christina A. Samuels, *70,000 Students with Disabilities Secluded, Restrained in School*, May 16, 2017.

SEAC Policies, Practices and Procedures Subcommittee Findings and Recommendations:

SEAC has reviewed the proposed Policy 5345, Restraint and Seclusion of Students. The subcommittee concluded that the policy does not meet or support the needs of students with disabilities.

Please refer to APPENDIX A: Restraint and Seclusion of Students Policy 5345 for the proposed policy.

Recommendation 1: Amend the Restraint and Seclusion of Students Policy to prohibit the use of seclusion in Loudoun County Public Schools.

Disposition: Approved (13 Approve; 2 Oppose; 1 Abstain; 1 Absent)

Rationale: The Policy defines Seclusion as, *“The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving until the student no longer presents imminent danger to self or others. This includes any time a student is involuntarily alone in a room and prevented from leaving regardless of the intended purpose of the name of the area where the student is secluded.”*

Secluding a child with disabilities has compounded negative effects and should never be allowed. (Please refer to the background information in the Introduction of this report).

Several states (including PA, NV, and TX) and many school districts that have already prohibited seclusion. Over 28 states have laws providing meaningful protections against restraint and seclusion for all children; 38, for children with disabilities.¹⁰

Students have been traumatized by use of seclusion in LCPS schools, and students have been allowed to be isolated and remain in seclusion for extended periods of time. The Ad Hoc Committee did not address several issues regarding seclusion, even though members of the Ad Hoc Committee raised numerous concerns. The proposed Policy does not set protective limits on the use of seclusion, nor does it define the area/space that the student can be confined within. Students would be allowed to remain in seclusion until they are calm, and history has shown this could be as little as 3 minutes to several hours.

The proposed Policy and Regulation, as written, offer no protections for students with disabilities from the isolation practice of seclusion for extended periods of time with panel mats or in locked rooms. The School Board has knowledge of these practices, where students have been enclosed by panel mats for hours without parent/guardian notification. Parents have further reported, and the

¹⁰ Jessica Butler, *How Safe is the School House, An Analysis of the State Seclusion and Restraint Laws and Policies*, Jan.8 2017

School Board has knowledge of students suffering from PTSD and unable to attend school. The isolating practice of seclusion not only traumatizes the student with disabilities that may have no voice of their own, but also traumatizes the parents that could not protect them from such an experience.

The subcommittee has identified many cases where seclusion and seclusion-like practices have been used without justification, that is, where there was no imminent threat of danger or serious risk of physical harm. The abuse of this technique, in violation of existing LCPS guidelines and training, increases our concern that this technique is likely to continue to be abused in the future if it is permitted.

A student in crisis may exhibit a variety of fight or flight behaviors, which may include, but are not limited to, disrobing, hitting, biting, kicking, spitting or throwing bodily fluids. While these behaviors require a behavior intervention plan, they do not represent imminent danger and serious risk of harm to self or others and do not justify the using the isolating practice of seclusion.

The subcommittee supports the use of PBIS, preventative strategies and practices, and the use of calming and “cool down areas” that are not locked and allow for de-escalation. The use of seclusion impedes if not precludes the teaching of those positive, preventative replacement behaviors

Recommendation 2: Amend the Restraint and Seclusion of Students Policy to prohibit physical restraint or seclusion from being written into a student with disabilities Individual Education Plan (“IEP”), Individual Crisis Plan, or Behavioral Intervention Plan (“BIP”) as a planned intervention.

Disposition: Approved (14 Approve; 1 Oppose; 1 Abstain; 1 Absent)

Rationale: Restraint and Seclusion is not an evidence based behavioral management practice, and therefore it should not be allowed to be incorporated into a student’s Individual Education Plan, Behavior Intervention or Crisis plan. Restraint and Seclusion should not be used as a behavior management strategy.

Recommendation 3: Amend the Restraint and Seclusion of Students Policy to require written parent/guardian notification within 24 hours of any incidents and personally communicate with the parent/guardian the day of any incident.

Disposition: Approved (15 Approve; 1 Abstain; 1 Absent)

Rationale: Restraint and seclusion are often traumatic and physically dangerous. The current proposed policy does not specifically outline parent/guardian notification. The subcommittee strongly recommends that parent/guardian notification be clearly specified in the proposed policy. Students with disabilities have a wide range of physical, communicative, and cognitive deficits, in addition to mental health needs. To maintain the health and safety of the student with disabilities, parents/guardians must be notified the same day. Parents/guardians need to determine if they need to seek medical attention or mental health clearance for their child with a disability.

LCPS provides students who receive sports injuries or suspected concussions with the protection of stricter reporting practices than what is proposed in the policy.

In 29 states, schools must by law notify all parents of both restraint and seclusion; in 38, parents of students with disabilities. Notification must occur in 1 school day or less in 22 states for all children, and 29 states for students with disabilities.

Recommendation 4: Amend the Restraint and Seclusion of Students Policy to require each incident involving students with disabilities be reported to the Director of Special Education and a review committee be assigned to address each incident and develop a corrective action plan to prevent further incidents.

Disposition: Approved (13 Approve; 3 Abstain; 1 Absent)

Rationale: LCPS policy requires all school suspensions that involve students with disabilities to be reported to the Director of Special Education. Any incident involving the use of restraint or seclusion should similarly be reported to allow for corrective action planning.

According to 2015 OCR data, there were as few as 13 cases of seclusion and restraint in LCPS for the 2015 year, all students represented were students with disabilities. It is believed by this SEAC subcommittee that those numbers under-represent the reality and use of restraint and seclusion in the county. Accurate reporting will address not only the discrepancies but will provide administration with the tools to make proper decisions on training and further policy/regulation changes.

Recommendation 5: SEAC advises the Loudoun County School Board to take all steps necessary to reduce the uses of restraint (as defined by the policy) to zero.

Disposition: Approved (16 Approve; 1 Absent)

Rationale: The SEAC subcommittee evaluated the methods of restraint and seclusion and concluded that restraint can be reduced through alternative practices to make LCPS restraint free in actual practice. There are sufficient examples and comparisons of other school divisions that have reduced restraint to zero to believe that it is a feasible goal. The actions that the School Board will need to take from this action may include a strategic goal in the LCPS strategic plan as well as creating budget items for improved behavior and crisis management.

SEAC supports using Research and Evidence Based trauma informed strategies and practices that eliminate the need for Restraint and Seclusion that are in alignment and support the PBIS framework that is currently in place within LCPS.

The subcommittee has identified several crisis and behavior management systems for further study, including Ukeru, Safety Care, Right Response, Crisis Prevention Intervention, and Conscious Discipline. The subcommittee advises that further investigation is required and believe that we can provide staff with better alternatives

to restraint and seclusion that will meet the needs of all children, including those with disabilities, while keeping teachers and students safe.

The subcommittee recommends that LCPS provide staff with training in additional behavior management and de-escalation techniques to support staff in managing students with disabilities that present with challenging behaviors. These include but are not limited to training in the following: trauma training, Applied Behavior Analysis, mental health supports, executive function, and self-regulation.

References and Resources:

1. 2017-2018 SEAC Annual Report
2. SEAC Bylaws, adopted April 5th, 2017 Retrieved from <https://www.lcps.org/Page/171333>
3. Tom Harkin, *Dangerous Use of Seclusion and Restraints in Schools Remains Widespread and Difficult to Remedy Report*, February 12, 2014. Retrieved from <https://www.help.senate.gov/imo/media/doc/Seclusion%20and%20Restraints%20Final%20Report.pdf>
4. Chantalle Edmunds, *The Isolation Room: Local parents share horror stories about school system's treatment of students with special needs Feb. 15, 20*. Retrieved from https://www.loudountimes.com/news/the-isolation-room-local-parents-share-horror-stories-about-school/article_ba901f88-2ec7-11e8-8ede-57e67c4140be.html
5. US Department of Health and Human Services, *Promoting Alternatives to the Use of Seclusion and Restraint Issue Brief #4* Retrieved from https://www.samhsa.gov/sites/default/files/topics/trauma_and_violence/seclusion-restraints-4.pdf
6. Michelle Diamant, *Abandoning Restraint And Seclusion Has Unexpected Benefits, Study Finds, October 3rd, 2018*. Retrieved from <https://www.disabilityscoop.com/2018/10/03/abandoning-restraint-seclusion/25515/>
7. Robert Horner and George Sugain, *Considerations for Seclusion Use in School Wide Positive Behavior Supports, April 29, 2009*. Retrieve from: <https://www.pbis.org/policy-and-pbis/seclusion-restraint>
8. Marie Sharp, *Seclusion to be banned in East Lothian schools, November 28, 2018*. Retrieved from https://www.bbc.com/news/uk-scotland-edinburgh-east-fife-46316524?fbclid=IwAR1-bsjLdn5aUT-P9T_3JqSw-Bc43DODpgiR8dJrFSv1zr2slSiy3fKe7s
9. Hannah Rappleye and Liz Brown, *Thirteen-year-old activist with autism wants to close seclusion rooms at schools, November 23th, 2018*. Retrieved from <https://www.nbcnews.com/news/education/thirteen-year-old-activist-autism-wants-close-seclusion-rooms-schools-n935356>
10. Christina A. Samuels, *70,000 Students With Disabilities Secluded, Restrained in School, May 16th 2017*. Retrieved from: <https://www.edweek.org/ew/articles/2017/05/17/70000-students-with-disabilities-secluded-restrained-in.html>

11. Jessica Butler, *How Safe is the School House, An Analysis of the State Seclusion and Restraint Laws and Policies*, Jan.8 2017. Retrieve From: <http://www.autcom.org/pdf/HowSafeSchoolhouse.pdf>

Additional Resources

12. Safety Care: [Safety-Care Training - Crisis Intervention - Restraint Reduction Techniques](#)
13. Conscious Discipline" [Home - Conscious Discipline](#) is a Trauma Informed, Evidence-Based and Research-Based system

Appendix A:
Proposed Policy 5345: Restraint and Seclusion of Students
(Revision reviewed by the subcommittee for this report)

Appendix C
Policy: 5345
Page

Restraint and Seclusion of Students

Maintaining a safe and productive environment for student learning is a high priority of Loudoun County Public Schools (LCPS). A multi-tiered systemic approach, to include Positive Behavioral Interventions and Supports (PBIS), shall be used to address the needs of students with behavior challenges.

A. Definitions.

1. Physical Restraint is a personal restriction that immobilizes or reduces the ability of a student to move freely. Physical restraint does not include:
 - i. Briefly holding a student in order to calm or comfort the student;
 - ii. Holding a student's hand, wrist, arm, shoulder, or back to temporarily escort a student safely from one area to another;
 - iii. Using incidental, minor, or reasonable physical contact or other actions designed to maintain control, such as intervening in a fight or the brief use of reasonable and necessary force to protect oneself or others from physical injury or harm in an emergency.
2. Mechanical Restraint is the use of any material or equipment to restrict a student's freedom of movement. This term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used with parental consent and are for the specific and approved purposes for which such devices were designed, such as:
 - i. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
 - ii. Vehicle restraints, including seat belts or harnesses when used as intended during the transport of a student in a moving vehicle;
 - iii. Restraints for medical immobilization;
 - iv. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm; or
 - v. High chairs and feeding stations used for age or developmentally appropriate students used specifically for feeding.
3. Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving until the student no longer presents imminent danger to self or others. This includes any time a student is involuntarily alone in a room and prevented from leaving regardless of the intended purpose or the name of the area where the student is secluded. Provided that no such room or space is locked, seclusion does not include the following activities:
 - i. Supervised in-school suspension or detention;
 - ii. Out of school suspension;
 - iii. Time-out, which is a behavioral management technique;
 - iv. Removal from classroom by the teacher for disruptive behavior;
 - v. Student-requested breaks in a different location in a room or in a separate

- 47 room;
48 vi. Removal of student for short periods of time from room or separate area of
49 room to provide student with opportunity to regain self-control so long as
50 student is not physically prevented from leaving;
51 vii. Removal of student for disruptive behavior from a classroom by a teacher,
52 as provided in Code of Virginia 22.1-276.2;
53 viii. Confinement of a student alone in a room or area from which the student is
54 physically prevented from leaving during the investigation and
55 questioning of the student by school employees regarding student's
56 knowledge of or participation in events constituting a violation of student
57 conduct code, such as a physical altercation, or an incident involving
58 drugs or weapons; or
59 ix. Placement decisions made by IEP teams, such as one-on-one instruction.
60
61 B. Authorized Emergency Safety Procedures. LCPS authorizes the use of physical restraint and
62 seclusion procedures to manage student behavior. Physical restraint and seclusion
63 procedures apply to all students, including students with disabilities, when the student is an
64 imminent danger to self or others. Physical restraint and seclusion are emergency safety
65 procedures that are used as a last resort in response to situations where the student's behavior
66 poses a threat of imminent danger or serious physical harm to self or others. When possible,
67 less restrictive measures shall be used initially unless the student is an imminent danger to
68 him/herself and/or others.
69
70 Physical restraint and seclusion safety procedures shall only be used consistent with this
71 policy and associated regulation.
72
73 C. Prohibited Practices as Defined within the Regulation.
74 1. Physical restraint shall not include restraining the student in a chair or against a
75 wall. Prone restraints (where the student is placed face down on his/her stomach),
76 supine restraints (where the student is face up on his/her back), or any other
77 physical maneuver that prevents a student from breathing or speaking, is strictly
78 prohibited. (Refer to Section A-2 regarding mechanical restraints).
79 2. Aversive Stimuli
80 3. Corporal Punishment
81 4. Mechanical Restraint
82 5. Pharmacological Restraint
83
84 D. Annual Training Required. The Principal or his/her designee is responsible for ensuring
85 that each behavior-intervention team member has been trained in the use of physical
86 restraint, seclusion, and the documentation of such instances. The Department of Pupil
87 Services shall be responsible for the facilitation of employee training in the use of
88 physical restraint, seclusion, and the documentation of such instances. Training shall be
89 completed on an annual basis.
90
91 E. Monitoring and Intervention. The Department of Pupil Services shall regularly review the
92 use of physical restraint and seclusion. The Department of Pupil Services will provide

training, support, monitoring, and accountability for schools to promote consistent implementation of this policy and regulation. The Principal or his/her designee shall regularly review the use of physical restraint and seclusion at his/her school and take appropriate steps in accordance to the associated policy regulation.

F. Notification and Awareness. The Department of Pupil Services shall ensure annual parent and guardian notification of this policy and associated regulation. The Principal or his/her designee shall ensure the parent or guardian is notified, in accordance with the associated regulation, when a student has been physically restrained or secluded.

G. Exceptions. Nothing in this policy prevents a school employee from stopping a physical altercation to prevent physical harm to a student or another individual. This policy does not apply to School Resource Officers (SROs) who are performing law enforcement duties.

H. Data Collection and Reporting. In accordance with the associated regulation, each instance of physical restraint and seclusion shall be documented and recorded in the LCPS Student Information System. The Assistant Superintendent for Pupil Services shall publicly report physical restraint and seclusion quantitative data on an annual basis. The annual report shall contain the total number of physical restraint and seclusion instances as reported by schools, and information regarding employee training. The Assistant Superintendent for Pupil Services shall also report physical restraint and seclusion quantitative data as required to the U.S. Department of Education Office for Civil Rights.

I. The Superintendent shall promulgate administrative regulations for the proper implementation of this policy.

Adopted:

Legal Ref: 22.1-253.13:7, 8VAC20-81-160

Cross Ref.: Policy 8205 Discipline Authority, Policy 8-30 Corporal Punishment Prohibited